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DATE: October 10, 1994

TO: L. J. Peterson-Wright, Environmental Restoration, Bldg. 080, X

FROM: *SM Nesta*
S. M. Nesta, Environmental Policy Implementation, Bldg. T130J, X6386

SUBJECT: OPERABLE UNIT (OU) 7 PROPOSED ACTION MEMORANDUM (PAM) - SMN-516-94

We have received a copy of the subject PAM covering construction of a French drain for collection of leachate issuing from the landfill. Because the Colorado Department of Public Health and Environment is the lead agency for OU 7, remedial activities at the OU are presently considered by the Department of Energy (DOE) to be Resource Conservation and Recovery Act (RCRA) activities, not Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) activities and therefore not subject to the June 1994 Secretarial Policy on the National Environmental Policy Act (NEPA). This Policy exempts CERCLA activities, but not RCRA activities, from meeting the procedural requirements of NEPA, though it still requires activities described in CERCLA documents to be reviewed for inclusion of NEPA values. Until guidance to the contrary is received from DOE, technically the OU 7 PAM should be reviewed for the appropriate level of NEPA documentation. Based on what we understand about the proposed leachate collection system, the project would be likely to require preparation of an environmental assessment.

We have, however, reviewed the OU 7 PAM for inclusion of NEPA values based on verbal guidance from DOE. We understand that a PAM is intended to be a brief document, avoiding the seemingly endless studies that often delay the taking of action. However, our review indicates that the document essentially ignores the basic tenet of NEPA: to inform decision makers of the environmental impacts of a proposed action and its alternatives. More specifically, the following basic NEPA values are not part of the document so need to be added:

1. No alternatives to the proposed action are analyzed or even considered. At the very least, the no action alternative must be reviewed.
2. There is no documented justification for taking any action. As stated in the "Summary of Risk" section, "Although there is no documentation of negative effects on populations of plants or animals at the site, the seep is believed to be a source of the radionuclides, VOCs, and SVOCs present in pond sediment." Absence of justification for the action makes it difficult to justify not only the cost but also any environmental impacts.
3. The site of the French drain includes wetlands and is potential habitat for the Preble's mouse. Either one of these facts places the activity in an "environmentally-sensitive area". In spite of this, there is no analysis of environmental impacts of construction or operation of the leachate collection system.
4. Section 3.1 states that it is assumed that the Landfill pond would be drained prior to construction of the French drain. Inasmuch as the pond constitutes a wetland, draining the pond, and the planned capping of the pond area, would have permanent effects on the wetlands associated with that area, and, in all likelihood, with wetlands downstream of the pond that have been supported by pond water.

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Apparently the pond draining is not considered part of this action. However, it is related to this action and it would be undertaken prior to publication of any other document that we are aware of that might analyze its environmental impacts. Consequently, the environmental impacts of draining the pond, alternatives to that action and the disposition of the pond water, must be analyzed in this document.

5. Section 3.3 offers the briefest possible discussion of the proposed handling of contaminated soil and water that could be encountered. The one sentence in the section states that soil that cannot be backfilled will be placed in the landfill and that water from dewatering will be pumped to the pond (an apparent reference to the Landfill pond). If the driver for the leachate collection system is concern that the seep water is contaminated, it is to be expected that the excavated soils are contaminated too. Has approval been obtained to backfill with contaminated soil or to place contaminated soil in the landfill? Is the water to be pumped to the pond that had just been drained? This section should be expanded to address in more detail disposition of potentially-contaminated soil and water.

WAM:lmr

cc:
T. G. Hedahl
G. H. Setlock
S. G. Stiger
File